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|--|----------------------|------------------------|----|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/771,632 | |
| | Filing Date | 02/05/2004 | |
| | First Named Inventor | Norm Gibbs | |
| | Art Unit | 2856 | |
| | Examiner Name | Paul West | |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | 16 |

| ENCLOSURES (Check all that apply) | | | | | | |
|--|---|---|---------|--|---|---------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC | | | | |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences | | | | |
| <input type="checkbox"/> Amendment/Reply | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) | | | | |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information | | | | |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter | | | | |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): | | | | |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | | | | | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | | | | | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | | | | | |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <input type="checkbox"/> Landscape Table on CD | | | | | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | | | | | |
| <table border="1"> <tr> <td>Remarks</td> </tr> <tr> <td>Petition to Withdraw Holding of Abandonment - 1 page</td> </tr> <tr> <td>Attachment 1: applicant' statement - 1 page</td> </tr> <tr> <td>Attachment 2: docket records - 1 page</td> </tr> </table> | | | Remarks | Petition to Withdraw Holding of Abandonment - 1 page | Attachment 1: applicant' statement - 1 page | Attachment 2: docket records - 1 page |
| Remarks | | | | | | |
| Petition to Withdraw Holding of Abandonment - 1 page | | | | | | |
| Attachment 1: applicant' statement - 1 page | | | | | | |
| Attachment 2: docket records - 1 page | | | | | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|--------------------|----------|--|
| Firm Name | | | |
| Signature | <i>Norm Gittis</i> | | |
| Printed name | Norm Gittis | | |
| Date | September 1, 2006 | Reg. No. | |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|-------------------|------|-------------------|
| Signature | <i>Norm Gitis</i> | | |
| Typed or printed name | Norm Gitis | Date | September 1, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Mail-Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SEP 01 2006

August 31, 2006

App. Number: 10/771,632
App. Filed: 02/05/2004
Applicants: Norm Gitis, etc.
Title: Method and Apparatus for Determining Characteristics of Thin Films

PETITION TO WITHDRAW HOLDING OF ABANDOMENT

Dear Sir,

According to the USPTO website information, an office action in response to our Patent Application was sent to us in September 2005. However, we have not received it.

Our secretary called a secretary of the Art Unit 2856 on March 10, 2006 and inquired about the status of the application, and when learned that the office action had been sent out, immediately informed that we did not receive it and asked for it to be re-sent.

As we did not receive it for two more months, I called the examiner on May 2, 2006 and inquired what shall be our course of actions. The examiner recommended me to send a fax to him to start a proper internal inquiry, which I did on May 4, 2006.

In response to our phone calls and fax, the examiner called me back on August 29, 2006 and requested to file this petition, as well as faxed me the corresponding 37 CFR 1.181 rules.

With this Petition, I solemnly request to withdraw holding of the abandonment, under 37 CFR 1.181.

Thank you very much in advance for your prompt attention to this matter.

Sincerely,

Norm Gitis

Dr. Norm Gitis, on behalf of the applicants
10131 Firwood Drive, Cupertino, CA 95014
Fax: 408-376-4050; Phone: 408-376-4041; Email: nevmetcorp@yahoo.com

Attachments:

- 1- Statement that the correspondence in question has not been received.
- 2- Supporting evidence: copy of the docket record, where the non-received office action would have been entered to item 16 had it been received, which discloses the receipts of all other correspondence mailed from USPTO and absence of the correspondence in question.

Attachment 1

RECEIVED
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SEP 01 2006

App. Number: 10/771,632
App. Filed: 02/05/2004
Applicants: Norm Gitis, etc.
Title: Method and Apparatus for Determining Characteristics of Thin Films

STATEMENT THAT THE USPTO OFFICE ACTION OF SEPTEMBER 2005
WAS NOT RECEIVED BY THE APPLICANTS

According to the USPTO website information, an office action in response to our Patent Application filed on February 25, 2004, was sent to us in September 2005.

On behalf of the applicants, I solemnly swear that we did not receive it.

We learned about this office action a half-year later on March 10, 2006, when our secretary called a secretary of the Art Unit 2856 to inquire about the status of our patent application 10/771,632, immediately informed that we did not receive it and asked for it to be re-sent.

As we did not receive it for two more months, I called the examiner on May 2, 2006 and asked what shall be our course of actions; the examiner recommended me to send a fax to him to start a proper internal inquiry, which I did on May 4, 2006.

In response to our phone calls and fax, the examiner called me back on August 29, 2006 and requested to file Petition under 37 CFR 1.181 rules.

The attached docket record provides a clear evidence of the facts that firstly, all our communications with USPTO have been in order, and secondly, that the particular office action in question (pertaining to item 16 of the docket) has not been received.

This Statement is submitted as an attachment to the Petition to Withdraw Holding of the Abandonment, under 37 CFR 1.181.

Sincerely,

Norm Gitis

Dr. Norm Gitis, on behalf of the applicants
10131 Firwood Drive, Cupertino, CA 95014
Fax: 408-376-4050; Phone: 408-376-4041; Email: nevmetcorp@yahoo.com

Attachment 2

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 Cupertino, CA 95014
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PATENT DOCKET RECORDS

| ITEM | TITLE | APPLICATION # | FILING DATE | Last Two USPTO Communications |
|------|---|----------------|-------------|--|
| 2 | Bidirectional Force Sensor | 09/588054 | 6/05/2000 | 12/4/01: patent 6,324,918 issued 08/15/05: maintenance fee paid |
| 3 | Method and Apparatus for Measuring Friction and Wear | 09/624500 | 7/24/2000 | 07/16/02: patent 6,418,776 issued 08/15/05: maintenance fee paid |
| 4 | Method and Device for Measuring Forces | 09/624512 | 7/24/2000 | 04/02/02: patent 6,363,798 issued 08/15/05: maintenance fee paid |
| 5 | Microscratch Test Indenter and Method of Microscratch Testing | 09/688551 | 9/25/2000 | 01/07/03: patent 6,502,455 issued 03/20/06: maintenance fee paid |
| 6 | A Method and Apparatus for Controlled Polishing | 09/669214 | 9/25/2000 | 07/10/01: patent 6,257,953 issued 08/15/05: cease maintenance |
| 7 | Method and Apparatus for Controlled Polishing | 09/859062 | 5/17/2001 | 12/17/02: patent 6,494,765 issued 03/20/06: maintenance fee paid |
| 8 | Method and Apparatus for Polishing Control with Signal | 09/953756 | 9/17/2001 | 07/01/03: patent 6,585,562 issued 8/31/2006: maintenance DUE |
| 9 | Method and Apparatus for Controlled Polishing | PCT/US01/29755 | 9/21/2001 | 04/25/02: abandoned after 19 months |
| 10 | Method and Device for Measuring Forces | PCT/US01/30979 | 10/4/2001 | 05/04/03: abandoned after 19 months |
| 11 | Method and Apparatus for Detecting the Presence | 10/035967 | 1/4/2002 | 06/03/03: patent 6,573,838 issued 8/31/2006: maintenance DUE |
| 12 | Multiportal Device and Method for Percutaneous Surgery | 10/136548 | 5/1/2002 | 11/25/05: patent 6,969,392 issued 12/30/07: maintenance DUE |
| 13 | Multiportal Device With Linked Cannulae and Method | 10/145488 | 5/15/2002 | 05/11/05: amendment A filed 03/30/06: terminal disclosure filed |
| 14 | Multiportal Device With Linked Segmented Cannulae | 10/146304 | 5/16/2002 | 09/11/05: patent allowed 11/05/05: issue fee submitted 04/19/06: faxed modif pages 7-8 |
| 15 | Method and Apparatus for Monitoring Polishing Plate | 10/184369 | 7/1/2002 | 03/09/04: patent 6,702,646 issued 12/30/06: maintenance DUE |
| 16 | Method and Apparatus for Testing Characteristics of | 10/771632 | 2/5/2004 | 08/11/05: published 05/02/06: called examiner 05/04/06: faxed Inquiry to examiner 08/29/06: call+ fax from examiner |
| 17 | Method and Apparatus for Detamination Testing | n/a | n/a | 08/15/06: internal filing target |